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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

Concluding observations on the initial report of Thailand

Addendum

Information received from Thailand on follow-up to the concluding observations*

[Date received: 29 May 2015]

1. The Committee against Torture (the Committee) invited the Royal Thai Government to follow the optional reporting procedure in preparing its second periodic report, whereby the Committee will transmit to the Royal Thai Government a list of issues prior to the submission of the report, and the reply to those issues will constitute the Royal Thai Government's periodic report under article 19 of the Convention.

2. The Royal Thai Government hereby accepts the invitation to follow the optional reporting procedure in preparing its second periodic report.

3. The Committee requested the Royal Thai Government to provide, by 23 May 2015, follow-up information in response to the Committee's recommendations relating to: (a) ensuring or strengthening legal safeguards for detained persons; (b) conducting prompt, impartial and effective investigations of allegations of torture by law enforcement personnel; and (c) prosecuting suspects and sanctioning perpetrators of torture or ill-treatment, as contained in paragraphs 12, 13, 15 and 18 of the Committee's concluding observations (CAT/C/THA/CO/1, para. 31)

Ensuring and strengthening legal safeguards for detained persons

General legal safeguards

4. The right to access the justice system has been guaranteed in the Constitution of Kingdom of Thailand, B.E. 2550 (2007), as well as the Interim Constitution, B.E. 2557 (2014). The present draft Constitution 2015 continues to ensure the right to access to justice system with ease and convenience, and in a prompt, equal and extensive manner, the right

* The present document is being issued without formal editing.

to court trial which is transparent, fair and speedy, the right to defend the case, the right to get proper treatment according to the justice process, the right to receive protection or assistance from the state e.g. in arranging interpreter or lawyers, the right to be granted temporary release in criminal cases, the right to remedy in case of violation.

5. The Criminal Procedure Code of Thailand, Section 7/1 guarantees protection to a comprehensive set of rights of arrested persons, suspects, and detainees in criminal cases. These rights are: the right to legal counsel in confidentiality, the right to be visited as appropriate, the right to receive medical treatment and the right to be informed of their rights by the concerned authority. According to this provision, any person who is arrested by the authority has the right to be informed of charges laid against him/her as well as other rights that he/she is entitled to. The arrested person also has the right to communicate with their member of family about the arrest and place of detention as well as the right to legal counsel. Upon arrival at the police station, the administration official or police officer shall inform the arrested person of the charge, details of the arrest as well as the arrest warrant (Sections 83-84 of the Code). Detention at the police station shall not exceed 48 hours, unless deemed necessary. In such cases, a request shall be submitted to the court for permission, and the detention will be granted for a specified duration, depending on gravity of the possible punishment, in accordance with the law. (Section 87 of the Code).

6. Moreover, the Court has the power to grant permission for the public prosecutor or inquiry officer, if the suspect does not object, to bring the suspect to the office of a government agency or another place deemed appropriate for inquiry or interrogation, which shall be recorded (audio-visual) via video conferencing (Section 87/1 of the Code). Measures to monitor law enforcement officers in performing their duties, as well as measures to protect the rights and liberties of suspects and defendants are implemented to ensure that basic rights of prisoners and persons under detention are fully respected.

7. The Criminal Procedure Code also provides guarantee for the human rights of victim, detainee, suspect, accused, defendant and witness in various aspects such as provision of interpreters, at no cost. Such interpreter support covers different local dialect and also the sign language. The Criminal Procedure Code also ensures that a suspect or defendant has adequate time and convenience in preparation to defend a case, contact a lawyer of one's choice and consult the lawyer in confidentiality before giving a statement. Once legal proceedings are launched, court hearings shall be carried out in an expeditious manner and without delay.

8. At all correctional institutions, registration of detainees at the detention facilities is strictly required and being implemented in all detention centers including prisons and correctional institutions. All detainees will be examined physically and mentally upon their entry into and release out of the place of detention. In case where wounds or illness are detected, the prison officers must record the detainee's statement if such wound or illness is a result from bodily assault as well as the nature of the wounds or symptoms detected, and take photograph of such wound or traces of any bodily assault, if any. The correction officer who discovers wounds or traces of body assault at the time of receiving the person, shall issue a letter with the record of such wound to the officer, who handover the detainee, to be presented to their superior. Wounds or traces of bodily assault shall also be reported to the Department of Corrections, the Rights and Liberties Protection Department, and the National Human Rights Commission. In addition, inmate's right to be visited is fully respected according to the rules and regulations of the Department of Corrections and the prisons. Inmates' relatives, lawyers, consular officers are allowed to visit. With regard to the right to health, medical personnel are stationed in prison or correctional institution in order to provide basic medical treatment. If the inmate is found to be in a more severe condition and in need of special treatment, such inmate will be brought to the Corrections Hospital or other specialized medical hospital for appropriate care.

Treatment of prisoners

9. Regarding treatment of prisoners, at the initiative of Her Royal Highness Princess Bajrakitiyabha, Thailand has been playing a leading role in improving prison conditions as well as strengthening treatment of female inmates, who are in need of special protection according to their specific needs, but often considered the forgotten population in prison settings. The "Inspire" project was initiated to provide assistance to female and pregnant inmates and their children, as well as helping probationers and facilitating their reintegration into society through vocational training and employment programmes. Further, the "Enhancing Lives of Female Inmates" Project (ELFI) was initiated internationally because Her Royal Highness is fully aware of the importance of providing assistance and care to women prisoners, including children living with imprisoned mothers. The project aims to address the gender gap by proposing a new set of rules on the treatment of women prisoners and non-custodial measures for women offenders as supplement to the 1955 United Nations Standard Minimum Rules for the Treatment of Prisoners. This set of draft rules was later adopted by the General Assembly at its sixty fifth session. It is known as the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women or the Bangkok Rules, the first United Nations guidelines on the treatment of women prisoners. The Bangkok Rules serve as guidance for Member States to improve domestic laws and regulations pertaining to treatment of female inmates in correctional facilities. Thailand has been working closely with the United Nations Office on Drugs and Crimes (UNODC) and other relevant stakeholders in the implementation of the Bangkok Rules. One prominent example includes the development of the Guidance Document on and Index of Implementation of the Bangkok Rules, containing practical information for relevant agencies to consider the Bangkok Rules when implementing their policies on the treatment of prisoners.

10. In addition, Thailand has been actively engaged in the review process of the Standard Minimum Rules for the Treatment of Prisoners, which are referred to as guidelines when designing and implementing correction laws and policies since its adoption by the First United Nations Congress on Crime Prevention and Criminal Justice in 1955 and subsequently approved by the Economic and Social Council (ECOSOC) in 1957. Taking into account developments in the international fora on correctional science and best practices, the General Assembly has recommended the Commission on Crime Prevention and Criminal Justice (CCPCJ) to review some areas in the Standard Minimum Rules to reflect the latest advances in correctional science and good practices, provided that any changes would not lower existing standards. The review process has begun since 2011 when an open-ended intergovernmental Expert Group on the revision of the Standard Minimum Rules was established. The Expert Group met four times during the course of 2011–2015, drawing upon best practices and exchange of national legislation and existing international laws, and has reached consensus on the revision of the Standard Minimum Rules, taking into account nine thematic areas.[1] The Expert Group recommended CCPCJ at its twenty-fourth session in 2015 to submit the entire set of the revised Standard Minimum Rules for approval by the ECOSOC and subsequent adoption by the General Assembly as

[1] Nine thematic areas include (1) respect for prisoners' dignity and value as human beings (2) medical and health services (3) disciplinary action and punishment, including the role of medical staff, solitary confinement and reduction of diet (4) investigation of all deaths in custody, as well as any signs or allegations of torture or inhuman or degrading treatment of prisoners (5) protection and special needs of vulnerable groups deprived of their liberty, taking into consideration countries in difficult circumstances (6) right of access to legal representation (7) complaints and independent inspection (8) replacement of outdated terminology and (9) training of relevant staff to implement the Standard Minimum Rules.

the "United Nations Standard Minimum Rules for the Treatment of Prisoners", to be known as "the Mandela Rules" to honour the legacy of the late President of South Africa, who spent 27 years in prison in the course of his struggle for global human rights, equality, democracy and promotion of a culture of peace. The Expert Group also recommended that the CCPCJ consider recommending that the General Assembly extend the scope of Nelson Mandela International Day (18 July) to be also known as the Mandela Prisoners' Rights Day. Thailand strongly encourages all states to implement these sets of rules and continually engages relevant sectors to raise awareness of the importance of these rules as international standards in the criminal justice system. These standards were used as guidelines for reviewing Corrections Act, B.E. 2479.

11. The new Corrections Act, which is up-to-date and in line with international standards, was already approved by the Cabinet on 7 April 2015 and is currently under consideration of Council of State. The key amendments to the new Corrections Act are as follows:

(1) Set up the "Corrections Policy Committee" chaired by the Prime Minister or assigned Deputy Prime Minister.

(2) Create "Prison Monitoring Sub-Committee" and "Complaint Receiving Sub-Committee" under the Corrections Policy Committee.

(3) Establish systematic development on issues related to improvement of inmates' behavior, system of receiving inmates and system of disaggregating inmates.

(4) Stipulate provisions relating to protection of the right to inmates according to the international standard.

(5) Develop system to prepare inmates before being released, which starts from entering into the prison, with the aim to reintegrate them into the society.

12. The Department of Probation has studied for the possible use of Electronic Monitoring Device as an alternative measure to imprisonment as it can help reduce the risk of maltreatment in prisons and address the problem of overcrowding. Moreover, National Standard on the Work of Department of Probation emphasizes the policy to avoid detaining people during examination unless there is a reasonable ground to believe that he will escape or is a threat to safety of the society. However, in case there is a necessity to detain such person, the National Standard explicitly stipulates that human rights and human dignity shall be respected. This includes fundamental rights such as the right to health and sanitization as well as right to be visited by family.

13. With regard to immigration detention, Immigration Bureau Order No. 148/2553 (2000) concerning Standard of the Immigration Detention Center is the order guiding the Bureau's operation to be in compliance with human rights principles. The Order stipulates that, prior to receiving detainee at the detention center, the concerned police officer shall register all information about the detainee; inquire about basic personal information as well as the criminal record; travel record of inbound and outbound of the country; conduct physical examination; take picture of detainee; record fingerprint; issue detainee's identification card. The information received at this stage will be compiled as personal information of detainee. Moreover, the concerned authority shall inform detainee about his rights according to the law and regulations of the detention center. The detention center's manual will be distributed to the detainee during the orientation session. In case the detainee does not understand Thai, officers will try to find interpreter to assist in the process. According to the Order, the detainees shall be disaggregated based on sex, age, religious belief, nationality, health condition and nature of case. It is strictly prohibited to mix a group of male and female together. The Order also guarantees the detainee's right to sanitization, right to food, right to health with respect of their religious beliefs. The

detainee's right to contact family, lawyer, consular assistance, national human rights commission, non-governmental organizations are ensured in the Order. Moreover, the Order provides for a channel to submit the complaint via verbal report, letter, lawyer, and representative. The complaint will be processed under the relevant laws, rules and regulations. If the detainee is not satisfied with the result, he/she can appeal to the superior officer. Furthermore, Immigration Bureau regularly conducts training for the officers working in the detention center regarding immigration law, human rights and ethics of work as well as appropriate treatment of the detainee in order to enhance the quality of work on the ground and to be in compliance with human rights principles.

14. In the case of young offenders, the core agency responsible for the treatment of young offenders is the Department of Juvenile Observation and Protection under the Ministry of Justice. Young offender sent to the Juvenile Observation and Protection Center, will be registered, upon arrival at the center, followed by physical and mental examination. This group of young offenders will be closely monitored by the center's staff and professionally trained guardians. Young offenders will be informed of their rights. They are entitled to the right to be visited by family, right to be temporary released, right to education, right to medical treatment, etc. If there is a case where the officer commits torture to the detained juvenile, this officer will be criminally and disciplinary prosecuted. However, so far, there has never been any complaint related torture either in the Juvenile Observation and Protection Center or Training Center.

Addressing unlawful detention or imprisonment

15. In order to prevent unlawful detention or imprisonment, Section 90 of the Criminal Procedure Code stipulates that the detainee or any person for the benefit of the detainee, public prosecutor, prison commander or prison warden is eligible to submit a petition to the Court. The Court has the power to summon the alleged officer. If it is proven that the detention or imprisonment is unlawful, the Court shall order immediately acquittal.

16. With respect to the remedy to compensate for the damage inflicted on the person unlawfully detained, the Court does not have the power to order compensation according to Section 90 of the Criminal Procedure Code. However, the detainee may press charge against the officer, who ordered the detention in accordance with Section 420 of the Civil and Commercial Code for damage compensation. In the case that unlawful detention is conducted by a public official, the detainee can also file a case to the Administrative Court against the office, to which the officer concerned is attached to, for compensation as well as disciplinary sanction, in accordance with the Act on Liability for Wrongful Act of Officials, B.E. 2539 (1996).

Assistance for detainees

17. With regard to the free legal aid system, nowadays, a number of agencies offer free legal assistance ranging from independent agencies, governmental agencies, and non-governmental agencies. Measures have been put in place to disseminate information on avenues and mechanisms to seek legal assistance. This is to create public awareness and to enhance public access to justice on an equal basis. Mechanisms are established to receive complaints from the public, to provide legal counseling and financial assistance for hiring lawyers and for bail, as well as to give protection to the accused in the investigation process. These services are carried out through various channels, such as, the Legal Clinics, which have already been set up in all provinces in Thailand; Mobile Justice Project; and the Office of Rights Protection and Legal Aid of the Office of Attorney-General, which has been set up in all provinces of the country. Several NGOs and academic institutions and Lawyer Council also provide free legal assistance. Additionally, 24 hours hotline of the

Rights and Liberties Protection Department, Ministry of Justice, is also available for those in need of legal advices.

18. In addition, the Ministry of Justice has established the "Justice Fund" to promote and support the protection of rights and liberties of the people on equal and fair basis. Under the Fund, assistances are provided to those in need to ensure their access to the justice system. Initially, the Justice Fund provided support, which covers the expenses in criminal proceeding such as court fee, lawyer fee, and fee as a guarantee for release on bail. However, after a certain period of implementation, the Ministry of Justice experienced a number of cases that should have had access but unfortunately not covered by the initial conditions of the Fund. As a consequence, the Ministry of Justice, by the Rights and Liberties Protection Department, amended the rules related to Justice Fund in order to broaden its purpose. Such rules have then been enforced until present. The financial assistance provided by the Justice Fund today covers the following expenses: guarantee for release on bail, lawyer fee, court fee, expenses for any kind of examination such as forensic examination, expenses for the applicant i.e. travel and accommodation expenses, expenses for prevention of crime, expenses for damages from criminal act, and any other expenses which is in line with objectives of the Justice Fund.

19. In addition, the Ministry of Justice has proposed the "Draft Act on Justice Fund" which was approved by the Cabinet on 25 November 2014. The draft Act is now under the consideration of the Council of State. The draft Act would enhance the use of the Justice Fund in providing assistance to people in need, based upon the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems and basic human rights, including those guaranteed by the International Covenant on Civil and Political Rights. The draft Act would upgrade the status of the Justice Fund to 'juristic person'. Legal capacity of the Justice Fund would greatly help facilitate payment and overcome other technical problems in practice. Additionally, the draft Act would broaden channels and sources of fund as well as cover the expenses for dissemination of legal knowledge to the public. Most importantly, the draft Act sets up Justice Fund Committee comprised of, at least 6 human rights experts and, at least 3 persons from civil society. The aim is to help accelerate consideration of payment and strengthen participation from different sectors in the society in order to render justice for all without discrimination. It also aims to reduce disparity, create peaceful society, and promote people's confidence in the justice system.

Other positive developments

20. Thailand is in the process of justice reform with the aim of promoting public participation, reducing corruption and malfeasance as well as increasing equal and transparent access to justice. In this connection, human rights activists as well as media in all fields are encouraged to take part in the assessment and monitoring of government's performance. Officials including law enforcement and those working in prison or detention centers are no exceptions. All places of detention centers are open for visit from various agencies upon request. The consideration of the request is carried out on a case by case basis. There have been visits by several agencies to monitor the places of detention. Such agencies include the National Human Rights Commission, the Office of Ombudsmen, relevant international organizations including the UN agencies, the International Committee of the Red Cross, NGOs, etc. Such visits illustrated the Government's openness as well as willingness to work in cooperation with the civil society. This constitutes a part of monitoring mechanism that would contribute to better safeguards of the detainees' rights. It is the commitment of the Government to ensure that these safeguards are provided both in the legislation as well as in practice.

21. At present, the Office of Court of Justice has proposed the amendment of Criminal Code, Section 56, aiming to extend the maximum penalty for suspension of the execution

of a judgment, from three years imprisonment to five years imprisonment. This amendment aims at reducing number of prisoners so to address overcrowded problem. The amendment is currently under the consideration of Council of State.

Conducting prompt, impartial and effective investigations of allegations of torture by law enforcement personnel

Legal basis

22. Thailand attaches great importance to the prohibition of torture as it has been reflected in the Constitution of Thailand since 2007 until present. The Constitution of Kingdom of Thailand, B.E. 2554 (2007), Section 32 stipulates that an act of torture, a brutal act or punishment by cruel or inhuman means shall not be committed. The assurance of the right not to be tortured, under international obligations, is also affirmed in Article 4 of the Interim Constitution, B.E. 2557 (2014). Currently, in the present Draft Constitution (2015), the Constitution Drafting Committee explicitly reassured the respect to the right to life as well as the right not to be tortured as seen in Section 36 of the draft Constitution. Consequently, torture and brutal act as well as cruel and inhuman punishment are strictly prohibited by the law. However, this prohibition does not include punishment under judgments of the Courts or by virtue of the law.

Channels for complaint

23. At correctional institutions, inmates or their relatives are eligible to file a complaint against public officers working under the Department of Correction, in case where inmates are not accorded with rights as they are entitled to. The Department is aware of the right to file a complaint in accordance with the Corrections Act, B.E. 2479 (1936), Section 34 which stipulates that all inmates have the right to submit complaint to prison officers, Director General of the Department of Corrections, Minister of Justice or the King. If the inmate wishes to keep the complaint confidential, his/her decision shall be respected. Moreover, in all prisons and correctional institutions across the country the "Red Boxes" are placed to ensure channels are provided for complaint submission. Complaints submission through the Red Boxes is simple and direct, and, therefore, is an effective way for the Prison Commander and Director of the Correctional Institution to communicate with the inmates and tackle with the problems in an efficient and timely manner.

24. The Government has increased channels for the people to file complaint against offences caused by public officers' acts or on human rights violation, including deprivation of liberty, for example, through the independent mechanisms of Ombudsmen or National Human Rights Commission of Thailand (NHRCT). People can also exercise their right to refute wrongful administrative acts by public officers through the Administrative Court. Additionally, a number of governmental agencies provide opportunity for people suffered from the act of public officers in their respective agencies to file a complaint through their own agencies' complaint system. The complaint can be kept confidential upon the request. Furthermore, some governmental agencies are mandated to receive complaint against human rights violation caused by public officers, including torture, i.e. the Rights and Liberties Protection Department, Dhamrong Dhamma Center of the Ministry of Interior, Rights and Liberties Protection Center of the Office of Attorney-General, and Office of the Prime Minister, etc.

The role of forensic science

25. The use of forensic evidence has been playing a bigger role in the prevention of torture as well as legal proceedings. Improvement of forensic technology has prompted law

enforcement officers to exercise more caution in performing their duties and treating the arrested persons, the suspects, the accused, the detainees, and the defendants so not to violate the people's rights. The Government, nevertheless, is aware of the constraints in terms of expertise as well as resources available for forensic examination. Therefore, the Government has put its utmost efforts in addressing the problem. With the close cooperation among relevant agencies, the Government wishes to further upgrade the mechanism to systematically monitor health of detainees as well as to examine the victims of torture in places of detention to enable early detection in case of torture or ill-treatment. The multi-disciplinary team, comprised of investigation officer, medical doctor, forensic examiner, psychologist, lawyer, human rights defender, NHRCT, etc. are needed to be set up in order to promptly respond to the case related to torture. The list of experts on forensic examination will also need to be combined at one responsible agency such as Ministry of Health.

26. Most recently, the Central Institute of Forensic Science (CIFS) has set up a complaint system for forensic examination in order to facilitate access to justice for all, particularly, those deprived of their liberty. Request for forensic examination can be submitted through various channels such as e-mail, telephone, post, individual submission. This newly established system is widely introduced through relevant agencies e.g. Provincial Justice Office, Dhamrong Dhamma Center, etc. Upon receiving the request, the fact and information related to the case will be examined and analyzed by the CIFS Working Group and the CIFS Working Group will make a comment in order to further process the forensic examination. CIFS team comprised of forensic doctors, clinical forensic nurse and forensic science officers. With the full capacity of CIFS, every case shall be responded promptly. CIFS is proven to be useful for the investigation of torture. CIFS also works in close cooperation with NHRCT and other agencies. The joint efforts among these agencies enable them to conduct forensic examination, based on fair, transparent and standard of forensic science as well as to pay a visit to the detainees in prison upon request without delay. This reflects close cooperation among different sectors and the Government's commitment to combat torture.

Education and training

27. Despite legislations, rules and regulations which are already in place to ensure prohibition of torture in the country, the Government realizes that there exist gaps in implementation and legislation that need to be addressed. The Ministry of Justice strongly encourages other government agencies to promote the importance of principles as enshrined in the Convention, as well as ethical and human rights standards for officials. A number of activities have been conducted. Examples are as follows:

28. The Judge Advocate General's Department, Ministry of Defense, developed human rights curriculum comprised of the subject on the basic human rights for military personnel at all levels. This is to ensure military personnel at both policy-making and implementation level understands and respects human rights. The said subject covers all international human rights treaties, especially those to which Thailand is a Party, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Moreover, various means and medium of communications are developed to disseminate the knowledge on human rights, especially for the use of officers on the ground. In addition, the Royal Thai Army has assigned a group of human rights trainers to train military personnel across the country aiming to promote understanding, generate awareness, and minimize possible human rights violation in any forms.

29. The Rights and Liberties Protection Department has developed specific curriculum on the Convention and officially distributed to all concerned agencies in order to be included in the training curriculum for their officers. Various forms of popular media have

been developed in a user friendly and easy-to-understand format such as cartoon, game, website, radio spot, short film, etc. Particularly, this year, the Rights and Liberties Protection Department in collaboration with Internal Security Operations Command, Region 4, has conducted human rights training, including principles under the Convention, to over 2,700 armed forces in the Southern Border Provinces. Additionally, with the cooperation between the Rights and Liberties Protection Department and the Judge Advocate General's Department, the human rights and humanitarian training had also been given to the armed forces in the Northern part of Thailand.

30. This year, NHRCT has conducted training on the Convention for over 2,000 police officers, military personnel, correctional officers and other relevant agencies. The training includes basic principles on human rights and substances of the Convention. During the training, the trainees will be divided into groups in order to discuss development and challenge in implementation of the Convention under their responsibility. This forum provides space for the trainees to share their experiences, perspectives as well as ideas towards prevention and protection for victims of torture. This training project is ongoing, expected to run until the end of this year, and can be continued based on evaluation.

Prosecuting suspects and sanctioning perpetrators of torture or ill-treatment

Prosecute torture or ill-treatment in correctional institutions

31. Once a complaint is filed at a correctional institution, the complaint shall be kept confidential and reported directly to the superior of the alleged officer. The complaint investigation shall be conducted without delay according to Section 102 of the Corrections Act, B.E. 2479 (1936). The Investigation Committee shall be set up if the facts alleged in the complaint constitute a crime of grave concern. However, the accused officers shall be informed of his charge as well as relevant supporting evidence against him and the accused officers shall be able to utilize such information in the defend stage. During this stage, such officer will be suspended from work or will be ordered to be relocated to other area and, after that, the process of investigation will be started. If the complaint is well-found and there appears sufficient evidence to prove that the allegation as received by the complaint is true, the commander of such officer can impose disciplinary measure against such officer according to Section 99 paragraph 5 of the Civil Service Act, B.E. 2535 (1992). If the accused officer's action falls within the definition of crime under criminal law, the case shall be referred to criminal justice system. It is important to note that, during the investigation, the commander of such officers has to provide protection to the inmate, who filed the complaint, and if the complaint is disclosed by responsible officer or other person, such person shall be prosecuted under the criminal law. All the above-mentioned process, in principle, shall be finished within 30 days, however, for some complicated cases; such timeframe may also be extended.

32. The punishment imposed on the officers can be divided into 2 types: First, in the case where an officer treats the inmate in such way that is not in line with the law, rules, and orders, and physically or mentally injured the inmates, such officer shall be punished by lower degree of disciplinary measure under the non-mercy charge according to Section 8 paragraph 6 of the Act on Discipline of the Government Officers of the Department of Corrections, B.E. 2482. Second, in the case where an officer physically injured the inmate, such officer shall be prosecuted under disciplinary measures according to Civil Service Act, B.E. 2551 (2008), depending on the seriousness of each case. The investigation must be quick and there shall be measures to protect relevant persons under the case. If the case is related to criminal law, it shall be referred to Legal Affair Division, the Department of Corrections for further reference and action.

Ending impunity of senior officials

33. Moreover, the Department of Special Investigation (DSI) has the power and duty to conduct investigation and inquiries in criminal cases involving suspects who are senior administrative officials or senior police officers, except those who are Special Investigation Officers themselves, or Special Investigation Officers under the DSI. This is to ensure transparency and that no one shall be granted impunity for their act of torture including high rank State officials. Officers who are found to be guilty of torture shall be punished by both disciplinary and criminal measures. Government officer who is a suspect of offences relating to torture shall be suspended from their duty or shifted to different office as precautionary measure to protect the complainant.

Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

34. In order to prevent torture, the Royal Thai Government wishes to reaffirm its intention to become a State Party to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). Since the implementation of OPCAT would involve many government agencies, it is necessary to raise awareness and promote accurate understanding of the OPCAT among all concerned before becoming a State party. The Ministry of Justice, the focal point for implementing the Convention and OPCAT, have been working continuously and organized a number of activities with a focus on promoting knowledge and disseminating information on OPCAT. Such activities were carried out in collaboration with various organizations, for example, Association for the Prevention of torture (APT), International Commission of Jurists (ICJ) and Office of High Commissioner for Human Rights (OHCHR). The Ministry of Justice wishes to reaffirm its commitment to continue and strengthen our cooperation in this field in order to proceed successfully with the accession to the OPCAT.

35. With regard to the National Preventive Mechanism (NPM) according to the OPCAT obligations, Ministry of Justice has already discussed with relevant agencies who agreed to appoint National Human Rights Commission of Thailand (NHRCT) to act as NPM. Accordingly, the Rights and Liberties Protection Department, Ministry of Justice has informally discussed with NHRCT and NHRCT agreed to be mandated as NPM for Thailand. Last year, NHRCT, in collaboration with the Association for the Prevention of Torture (APT), had organized training for NHRCT staffs in order to prepare them to serve as a National Preventive Mechanism of Thailand. More resources will be needed to support the agency in order to effectively operate the NPM mandate. The draft new Constitution, which is currently under consideration, also includes the part related to the appropriate structure that would strengthen the effectiveness of the NHRCT.

36. This year, the Rights and Liberties Department in collaboration with the Office of the High Commissioner for Human Rights (OHCHR) has conducted a series of training programs for medical personnel regarding technical skill for investigation and examination of the cases suspected to be involved with torture in accordance with Istanbul Protocol. The training was launched in February 2015 and is continuing, with an aim to expand to cover wider groups of related professionals such as lawyers and other concerned agencies in every region across the country.

The draft Act on Prevention and Suppression of Torture and Enforced Disappearance

37. Recently, Ministry of Justice has developed the draft "Act on Prevention and Suppression of Torture and Enforced Disappearances" (the draft Act). The draft Act covers not only the offence of torture but also the offence relating to enforced disappearance as both of these offences share the same character. Firstly, the right not to be tortured and the right not to be enforced disappearance are non-derogable rights in any circumstances.

Secondly, both of acts of torture and enforced disappearance emphasize on the act of public officers. Thirdly, these two conventions, namely, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and International Convention for the Protection of All Persons from Enforced Disappearance (CED) underline some similar principles and measures such as investigation of public officers or training of law enforcement personnel.

38. With regard to the offence of torture, the draft Act, Section 3, provides the definition of torture in accordance with Article 1 of the Convention against Torture. Section 5 further stipulates criminal liability of the wrongdoer dependent upon the grave nature of the crime. Generally, all forms of torture, committed by public officials, shall be liable to imprisonment for a term of 5 to 15 years and to a fine of 100,000 to 300,000 baht. Whoever commits an act of torture to children below 18 years of age, pregnant women, elder persons, persons with physical or mental disability or incapable persons shall be liable to imprisonment for a term of 7 to 20 years and to a fine of 140,000 to 400,000 baht. Whoever commits an act of torture, and thereby causes grievous bodily harm on other person shall be liable to imprisonment for a term of 10 to 25 years and a fine of 200,000 to 500,000 baht. Whoever causes death to any person by inflicting the offence of torture on such person shall be liable to imprisonment for a term of 15 to 30 years or life imprisonment and a fine of 300,000 to 1,000,000 baht. The aforesaid punishments also impose on whoever commits an act of torture by instigation, complicity and participation of the public officials. One-half of the punishment will also impose on the superior officer of the offender who is aware of the act of torture of the offender but intentionally ignore it.

39. The Royal Thai Government is aware of the importance of the legal proceedings in the cases involving significant human rights violations including torture. Hence, the draft Act guarantees prompt, thorough and impartial investigation by setting up the "Committee on Prevention and Suppression of Torture and Enforced Disappearance" comprised of representative from different ministries e.g. Ministry of Social Development and Human Security, Ministry of Foreign Affairs, Ministry of Defense, Ministry of Interior, Ministry of Health, Royal Thai Police, Office of Attorney-General, Department of Special Investigation, and Lawyer Council. Experts on human rights, medical science and psychological science are also included in this Committee. The Committee is chaired by Minister of Justice. The Committee has duties as follows:

- Propose recommendations to the Cabinet related to legislation and regulation amendment
- Establish policies, plans and measures to prevent as well as combat torture
- Raise awareness on human dignity and prevention of torture to concerned officers; coordinate with relevant agencies in order to help the victim
- Request to suspend the act of torture and release the victim of illegally detention
- Call government officers or any other person to give information as well as call for any evidence
- Detect and investigate complaint related to torture and designate responsible officer
- Set up policies and measures to remedy and rehabilitate victims
- Establish criteria to assist and redress victims in forms of monetary and mentally assistance as well as long term medical rehabilitation for victims
- Appoint advisor, sub-committee or officers as appropriate
- Request and cooperate with other government agencies

- Support involvement of governmental agencies, non-governmental agencies and people in prevention of torture; develop witness protection measures
- Conduct study and research on torture; disseminate knowledge and provide training on torture to governmental officers as well as public
- Collect relevant statistic and develop annual report in order to propose to the Cabinet
- Issue Order and Announcement in order to implement the Draft Act
- Perform any other duty as assigned

40. The Committee is also mandated to receive complaint or initiate investigation of the case related to torture even though there is no person submitting such complaint to the Committee.

41. The Committee aims to play both policy and practical roles in order to ensure fair, transparent and effectiveness of the investigation as well as prosecution. With the combination of key relevant agencies, justice will be rendered to all parties equally. At present, the draft Act is currently under the consideration of the Cabinet, pending for approval very soon since the draft Act is included in the list of priority laws for government. However, while waiting for approval, if there is an accusation against a government officer relating to the act of torture and other cruel, inhuman or degrading treatment or punishment, the offender shall be prosecuted under the criminal justice system. If there is sufficient evidence to prove that such officer is deemed to commit the act of torture, he or she will be prosecuted and punished according to the related laws, for instance, Criminal Code, for the offences of assault causing bodily or mentally harm, offences of violation of right to freedom, offences of performing or failing to perform duties unlawfully. Although cases concerning torture are subject to judicial proceeding, improvement is still needed to address the delay in bringing the perpetrators to justice. That is to ensure justice for the injured parties.

42. The Royal Thai Government wishes to reiterate its pledge to become party of the International Convention for the Protection of All Persons from Enforced Disappearance. As soon as this draft Act is approved and come into force, Thailand would be ready to accede as a Party to the International Convention for the Protection of All Persons from Enforced Disappearance. This reaffirms Thailand's continued and sincere intention to provide protection for all the people from enforced disappearances.

Human rights defenders

43. Thailand is in the early stage in the creation of specific mechanism to protect human rights defender. Last year, the Ministry of Justice called for the meeting among concerned governmental agencies and the relevant sectors of the society to conduct a fruitful discussion on how to protect those who are at risk of being violated as a result of their works, especially human rights defenders, journalists and community leaders. As a consequence, Ministry of Justice had set up a "Working Group on Development of Measures to Protect Human Rights Defenders", comprised of representatives from government agencies, civil societies, legal scholars, academic institutions and lawyers, with intention to review the existing measures and establish an appropriate mechanism to protect human rights defenders. In this regard, the Working Group has been studying the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (the Declaration on Human Rights Defender), European Union Guidelines on Human Rights Defenders and other countries' domestic law related to protection of human rights defenders. The study would pave the way for establishment of a national standard for the

protection of human rights defenders working in Thailand, which is expected to be completed within the year 2015.

44. Ministry of Justice also works in close cooperation with the Office of High Commissioner for Human Rights (OHCHR) Regional Office for South-East Asia, in order to create an accurate understanding of the Working Group with respect to the definition of human rights defenders as well as get accustomed to the international standards for the protection of these groups. Technical assistance provided by OHCHR would help the Working Group to create a proper and practical mechanism to protect human rights defenders that is compatible with Thai context and, at the same time, in line with international standards. The Government hopes that, with this special protection, the violation, harassment and any form of maltreatment towards human rights defenders will be put to an end.

45. The Royal Thai Government would like to ensure that all reported instances of intimidation, harassment and attacks towards human rights defenders will be processed under the justice system without exception and impunity. Criminal Procedure Code, Sections 150 and 155/1 indicates the autopsy and inquiry stages in the cases that public officers were accused of committing extrajudicial killing while on duty. The Criminal Procedure Code stipulates that there shall be public prosecutors to participate in preparing inquiry statements in those two stages before submission to court for hearings about the deaths. This is for the purpose of giving advice on the examination of witnesses and evidence, by interrogating or ordering interrogation of the persons involved from the initial stage of preparing inquiry statements. This will then help make the inquiry and judicial proceeding more prudent, transparent and objective.

Victims of torture

46. The Government ensures that the injured persons and their families will be provided with appropriate and adequate remedy. In general, victims of torture have the right to seek redress and compensation under both criminal and civil law, including the Damage for the Injured Person and Compensation and Expense for the Accused in Criminal Case Act, B.E. 2544 (2001). It should be noted that the remedy measures in the Southern Border Provinces constitute one of the most up-to-standard processes of remedy. The remedy covers cases of deaths, injuries, enforce disappearance, payment of monthly subsistence allowance, provision of educational scholarships to children of the injured persons up to the university level. The amount of compensation can be up to 7,000,000 baht dependent upon the fact of each case. In the past, the Southern Border Provinces Administration Center had paid a number of victims suffered from the unrest situation in the South, including the case of Mr. Somchai Neelapaijit with the amount of 7,500,000 baht.

47. With regard to victims of torture, in addition to monetary compensation under the Compensation and Expenses for Injured Person and the Accused Act, B.E. 2544 (2001), and the civil lawsuit, the Government is aware that importance should also be attached to other kind of assistance other than monetary support. Victims may need physical and psychological rehabilitation, restitution, satisfaction and guarantee of non-repetition. Thus, the Royal Thai Government is currently exploring the possibility to set up the full system of remedy, according to the General Comment No. 3, with an integrated manner. This would involve a number of agencies. It will, therefore, take joint effort, time and resources to study and discuss all matters concerned in order to build up the whole comprehensive system of remedy. We do hope that will be a good start that will lead to the agreement, division of work and concrete action in the near future.

48. There are a number of independent agencies under the Constitution and non-governmental organizations that closely and seriously monitor, follow up and demand justice for the victims and their families such as Office of the Ombudsmen, NHRCT Cross

Culture Foundation, Justice for Peace Foundation, Thai Lawyers for Human Rights Center, etc. The media of various fields also play significant role of monitoring and examination of torture cases.

49. Regarding the case of Mr. Somchai Neelapaijit, as previously presented to the Committee, the case is still in the process of investigation by the Department of Special Investigation, Ministry of Justice, and Mrs. Angkana Neelapaijit is protected under the witness protection program of the Department of Special Investigation. In this regard, the Royal Thai Government would like to reassure that the investigation of this case will continue without interference. Although, challenges remain in the collection of evidences, the Government believes, with the best efforts, the perpetrator shall be brought to justice and punished under the law.

Special laws in Thailand

Special laws in political context

50. The special laws for security purpose in place in Thailand are namely martial law, emergency 6law and internal security law, all of which must be specifically declared in order to impose such law in the country or in an area needed. The declaration of each special law requires different degree of necessity and emergency at the time of the announcement. However, all of these special laws share the same goal as they are for the protection of national security and protection of lives of people in the country. The use of these laws is therefore temporary, bearing in mind the principle of necessity and proportionality.

51. One of the experiences that Thailand had faced over the course of 2014–2015 is the temporary use of martial law at national level, following over six months of political standoff among different protest groups that was on the verge of turning into violent confrontation and paralyzing the administration of Thailand. On 20 May 2014, the Martial Law was declared and subsequently, the National Council for Peace and Order (NCPO) stepped in and took control of the administration of Thailand in order to restore peace and order, and provide a cooling-off period. The imposition of the Martial Law was later lifted on 1 April 2015.

Legal safeguards

52. The NCPO has put its utmost effort to retain full protection of human rights and dignity for all persons living in Thailand during the transitional period. This is reflected in Section 3 of the Interim Constitution of Kingdom of Thailand, B.E. 2557 (2014), which guarantees that the human dignity, right, liberty and equality of the Thai people are protected in accordance with the existing international obligations of Thailand. This includes seven core United Nations human rights treaties that Thailand is a party to.

53. A number of NCPO Orders were issued for the purpose of preserving national security while at the same time, must be balanced with the need for protection of fundamental human rights. Martial law, although grants the authority's power to detain a civilian, but such detention shall not last more than seven days. If there is necessity to do so, the concerned officer must seek permission from the Court. Disciplinary measures are in place to ensure that there is no abuse of power, particularly, in arresting or detaining a civilian. Many locations of detention are open to monitoring by independent agencies such as the National Human Rights Commission of Thailand (NHRCT) to ensure transparency and that conditions of detention facilities are up to the standards. If there is reasonable grounds to believe that the detained person is involved in criminal acts, the case would be

submitted to the police to launch criminal proceedings in the same manner as those accused under ordinary criminal law.

54. When the Martial Law was lifted on 1 April 2015, the NCPO Order No. 3/2558 (2015) was announced to serve as a legal tool for the authority to maintain peace and order in the country. The said NCPO Order applies in an offence-based manner and therefore does not affect the population at large, except for those who commit four types of offences namely crimes against the monarchy (Section 107–112 of the Criminal Code), offences relating to national security (Section 113–118 of the Criminal Code), offences relating to war weapons and violation of NCPO orders/announcements. Officers who have the power to call in people, arrest, search and keep a person in custody are only Peace and Order Maintenance Officers who are appointed by head of the NCPO. Cards or symbols will be clearly displayed on the appointed officers who perform the duty under the said Order. Detention under the NCPO Order No. 3/2558 shall not take place in jail or prison and for not more than seven days. In addition, the NCPO Order No. 3/2558 introduces plea-bargaining system which proposes an option for an accused to be exempted from prosecution. The Royal Thai Government affirms that nothing in NCPO's Order No. 3/2558 (2015) is more radical than special laws. Some measures are taken from the Criminal Procedure Law. The enforcement of NCPO's Order No. 3/2558 (2015) is for the security of civilians and the public at large. The Order is only a complementary measure and it does not substitute for the criminal procedure under normal criminal law.

55. With regard to the rights of detainees, the Royal Thai Government would like to ensure that none of the provisions under special laws allows arbitrary arrest or detention of the suspects for indefinite period of time without trial. The Guidelines on Arrest, Detain and Search, issued under the martial law, set up standards for public officials to carry out arrest, detain and search with intention to protect the rights of persons deprived of liberty in compliance with international human rights principles. Right to be visited by the family is guaranteed in the said Guidelines. Other Official Orders also allow visit by relatives of the suspects. Upon arrest, a suspect's family must be notified immediately. Relatives are allowed to visit the detainees every day, during the permitted hours. Transparency and visits paid to the detained persons are considered as a measure to monitor detention of suspects and ensure that each detention is in compliance with the law.

Special Laws in Southern Border Provinces (SBP)

56. The Royal Thai Government is fully aware that administration of justice is vital to the protection of human rights and dignity both in normal and unrest situation. However, the enforcement of special security laws in certain areas, especially along borders of the country is still in place to ensure security as well as fundamental human rights of all persons in specific areas. Safeguards are in place, at all levels, to ensure that the special security laws are enforced according to human rights principles. In the case of Southern Border Provinces (SBP), Executive Officers of the national security agencies indicated clear instructions and emphasized policies for the officers working on the ground to operate within the framework of the law with respect for human rights. Public security agencies have issued rules and regulations, as well as prepared essential handbooks providing details and guidelines for state officials to perform their duty with restraint in line with human rights principles, and due respect to local, religious, and cultural differences. The level of understanding among government authorities as well as implementing officers with regard to law enforcement and judicial process that respects the rule of law and human rights has continued to improve. In case it deemed necessary, the use of force shall abide by the rules on the use of force as laid down by the security agencies, which are in accordance with the United Nations Basic Regulations on the Use of Force and Firearms by authorized law enforcement officers. Efforts are made to review and explore possibility to minimize the

use of special laws, particularly in the areas where records show that violent incidents are on the decline.

57. In order to reduce violence in Southern Border Provinces, the Committee on Addressing Problems of Southern Border Provinces, led by representatives from National Security Council, Internal Security Operations Command and Southern Border Provinces Administration Center, established "Guidelines on Addressing and Developing the Situation of Southern Border Provinces 2015-2017" which cover various fields of work including human rights. Strategies related to justice and victim remedy are as follows:

(1) Increase effectiveness of justice system and use new technology equipment to help facilitate the operation, especially in the investigation and fact-finding mission.

(2) Accelerate the investigation of the case that is under the internationally and domestically concerned.

(3) Encourage using moderate religious principle as well as restorative justice to help address the conflict in the society while, at the same time, open for people's participation in finding solutions to the conflict in that area.

(4) Support measures to protect safety for victims, witnesses accused, defendants, detainees, and people in order to reintegrate them into the society.

(5) Promote measures to assist people suffering from unfair justice (injustice) and help them to access justice according to the law.

(6) Promote knowledge and understanding of the justice system and encourage the implementation that would further enhance effectiveness of the justice system in order to gain trust and acceptance from the people.

(7) Provide remedy to those physically, mentally, spiritually affected from unrest situation.

(8) Provide humanitarian assistance to those suffered from violent situation and law enforcement as well as their families.

Emergency law

58. According to the Emergency law, the arrest and detention of suspects for the involvement in causing violent incidents covered by this law shall be done by court orders. After receiving permission by court, the authorized officers shall bring the suspect for detention at any place other than prison. The officers shall not treat suspects as offenders, and cannot put them in detention for a period of more than 30 days, during which a court permission to detain must be granted every 7 days. The officers concerned shall also prepare reports for submission to the court. Copies of such reports shall be made available for the detainees' relatives at any time during their detention, in order to create mutual understanding among officials and the suspects or their family. Since the procedure under Emergency Law is distinct from ordinary criminal procedure, the persons summoned are therefore not regarded as offenders and are not seen as the accused in criminal offences. As a consequence, the detainees are entitled to the right to seek private legal counseling or assistance. The decision to allow the suspects to meet with their lawyers in the detention premises is, nevertheless, considered on case by case basis.

59. The Royal Thai Government would like to ensure that no one is coerced into testifying or plead guilty because the use of torture. The use of evidence or confession obtained through unlawful means in criminal proceedings is prohibited under the law in all situations, as stipulated in Section 135 of the Criminal Procedure Code. Forensic examination using samples from human bodies (i.e. hair, skin, tissue, etc.) is allowed, on condition that consent is given by the injured and the examination causes minimal pain

according to Section 131/1 of the Criminal Procedure Code. In addition, the section relating to General Principles of Evidence in the Criminal Procedure Code, prescribes that any material, documentary or oral evidence is admissible provided that it is not obtained through means of inducement, promise, threat, deception or other unlawful means. Therefore, measures to prohibit acts of torture in order to obtain confession are already in place and in compliance with the Convention against Torture.

Legal safeguards for detained persons in SBP

60. Another significant development was seen in the interviewing system as in the past, inquiry officers were allowed to bring detained suspects for inquiry at the office, however, after experiencing some incidents while in custody of the detainees, Internal Security Operations Command (ISOC), Region 4 has set up "Interviewing Centers", as places to detain suspects under special security laws. The Centers are fully equipped with interviewing/questioning professionals as well as experts in related fields. The Order on Interviewing Center relating to Treatment of Suspects was also developed last year to lay down measures for treatment of suspects in accordance with international human rights obligations including those under the Convention against Torture. The detained suspects' right to sanitization, right to food, right to legal counseling and assistance, right to health, freedom of religion, and other related rights are fully guaranteed by the said Order.

61. The Peace Protection Center under the Police Operation Command also functions under the same principles as enshrined in the Order related to Treatment of Detainees and Suspects. The Order affirms that the detainee shall be registered upon arriving at the Peace Protection Center and undergo physical and mental examination by medical personnel. Medical facilities are set up on site to ensure the detainees' right to appropriate health care. At the Interviewing Centers, doctors are stationed in order to provide medical services to detainees at all time. In addition, there is also a hospital located in the Ingkayudh Camp to provide medical examination and treatment in case of sickness. Most importantly, it is required that the detention officer must inform relatives of the detainees of the whereabouts of the detainees or where the detainee would be transferred to.

62. In the case that the detainee is under 18 years of age, the Center shall request assistance from Juvenile Observation and Protection Center, at the nearest location, to provide psychological support and counseling to the juvenile. Later, the detainee will be briefed about the rule in the Center and sanitary kits as well as necessary utensils will be distributed to the detainee. Different groups of people will be separated in different sections depending on their backgrounds and profiles such as their hometown, age, gender, etc. The aim of the detention in the Peace Protection Center is to discuss and persuade the detainees not to support or get involved in violent incidents in the country. The detention shall not last more 30 days or until there is a reasonable ground to believe that the detainee will no longer cause harm to the society. Once released, and the Center shall issue a letter to certify such release, return all of his/her personal belongings, and record the release in daily report. As of now, there has been no complaint against the Center in relation to the act of torture.

63. In order to ensure transparency, the Peace Protection Center and Interviewing Centers are open to monitoring mechanism by other agencies. Throughout 2014, representatives of various governmental agencies, NHRCT, international organizations and the diplomatic representatives such as International Committee of the Red Cross, the US Embassy, the Office of Judiciary, the Ministry of Foreign Affairs, Cross Culture Foundation, Muslim Attorney Center Foundation were accorded with access to these Centers.

Ending impunity under special laws and compensation for victims

64. Special laws as well as NCPO's Order No. 3/2558 (2015) do not grant impunity for law enforcement officers. The law enforcement officers can be sued. Protection will be granted to officials only when it is proven that the duty performed is in accordance with the law and in good faith, non-discriminatory, reasonably and not exceed the necessity. In all cases involving possible human rights violations, the injured persons are entitled to exercise their judicial rights to demand the State to act in compliance with the law. Section 28 of the Criminal Procedure Code indicates the right of injured persons to file cases in court by themselves. Section 34 also states that despite public prosecutors' orders not to file a case, the injured persons' right to file cases by themselves shall not be excluded. Besides, the injured persons can also retain the right to seek compensation under the law on liability for the wrongful acts as well.

65. Despite some misunderstandings and misinterpretation of the legal provisions by law enforcement officers on occasions, the Royal Thai Government is committed to bringing justice to those whose human rights are violated, including by torture and ill-treatment. The government officials who commit such acts shall be prosecuted. Some examples of successful cases had previously presented to the Committee. In addition, most recently, on 18 December 2014, the Administrative Court ruled the Royal Thai Army to pay compensation to Mr. Issamae Tae in the amount of 255,000 baht and Mr. Armeesee Manark in the amount of 250,000 baht because of government officers' illegal action with regard to detention, violation of rights and act of torture. This Administrative Court's judgment confirms that in case of violation committed by the public security officials, the officers and the respective agency shall be criminally liable for their wrongdoing without any exception.

66. Military personnel who commits torture or similar offence has to be put on trial in the military court as part of disciplinary measure, except there is a civilian involved in committing such acts. The case that falls under the jurisdiction of military court will be prosecuted according to the Act on the Organization of Military Court, B.E. 2498 (1955), Criminal Procedure Code and the Military Prisons Act, B.E. 2479 (1936), which all aim to protect rights and liberties of the accused and defendants.

Promoting transparency and partnership with various stakeholders

67. At present, the Royal Thai Government's policy is to strengthen the constructive cooperation between government agencies and other relevant sectors. People are more involved in the work of government in an integrated and friendly manner while, at the same time, civil society sector has become more enthusiastic and active with keen interest in the justice system. This can be witnessed from their presence in the court hearing to observe major cases, which are in the interest of the society. A number of reports from various sectors have been published and distributed to the public, which stimulate the personnel in the justice system to be more cautious and accountable in performing their duties for the best interest of social justice system. Efforts are also made to clarify the facts for the cases which involve inaccurate information distribution. This positive development shows the openness on the part of the government to work together with multi stakeholders in order to address the impunity in Thailand and to move towards a peaceful society.